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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

The Church of the Eagle and the Condor, *et al.*,

Plaintiffs,

v.

Merrick Garland, *et al.*,

Defendants.

Case No. 2:22-cv-01004-PHX-SRB

**NOTICE OF APPEAL TO THE
UNITED STATES COURT OF
APPEALS FOR THE NINTH
CIRCUIT**

Plaintiffs herein, The Church of the Eagle and the Condor, an Arizona Religious Corporation, on its own behalf and on behalf of its members, Joseph Tafur, M.D., Individually and as Spiritual Leader of The Church of the Eagle and the Condor, Belinda Eriacho, M.P.H., Kewal Wright, Benjamin Sullivan and Joseph Bellus, appeal to the United States Court of Appeals for the Ninth Circuit from the Order of Dismissal entered in this action by the District Court on January 24, 2025 (Dkt # 75) and the Order on which the Order of Dismissal was based, the Order on July 30, 2024 denying Plaintiffs' Motion for Award of Attorneys' Fees and Related Non-Taxable Expenses (Dkt #69), and the Order entered on January 24, 2025 denying Plaintiffs' Motion to Incorporate Settlement Agreement In Order and for Retention of Jurisdiction (Dkt #75).

DATED: February 24, 2025

Respectfully submitted,

s/ Jack Silver

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s/ Martha J. Hartney with permission

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CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2025, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing a copy to the following CM/ECF registrant:

GISELLE BARCIA
Trial Attorney
Civil Division, Federal Programs Branch
U.S. Department of Justice
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Washington, D.C. 20005
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s/ Jack Silver
Jack Silver, *pro hac vice*
Law Office of Jack Silver

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

**Form 1. Notice of Appeal from a Judgment or Order of a
United States District Court**

U.S. District Court case number: 2:22-cv-01004-PHX-SRB

Notice is hereby given that the appellant(s) listed below hereby appeal(s) to the United States Court of Appeals for the Ninth Circuit.

Date case was first filed in U.S. District Court: 06/09/2022

Date of judgment or order you are appealing: 07/30/2024 and 01/24/2025

Docket entry number of judgment or order you are appealing: #69 and #75

Fee paid for appeal? *(appeal fees are paid at the U.S. District Court)*

☒ Yes ☐ No ☐ IFP was granted by U.S. District Court

List all Appellants *(List each party filing the appeal. Do not use "et al." or other abbreviations.)*

The Church of the Eagle and the Condor, an Arizona Religious Corporation, on its own behalf and on behalf of its members; Joseph Tafur, Individually and as Spiritual Leader of The Church of the Eagle and the Condor; Belinda Eriacho, M.P.H.; Kewal Wright; Benjamin Sullivan; Joseph Bellus

Is this a cross-appeal? ☐ Yes ☒ No

If yes, what is the first appeal case number?

Was there a previous appeal in this case? ☐ Yes ☒ No

If yes, what is the prior appeal case number?

Your mailing address (if pro se):

City: State: Zip Code:

Prisoner Inmate or A Number (if applicable):

Signature



Date 02-21-2025

Complete and file with the attached representation statement in the U.S. District Court

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 6. Representation Statement

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form06instructions.pdf>

Appellant(s) (List *each* party filing the appeal, do not use “et al.” or other abbreviations.)

Name(s) of party/parties:

The Church of the Eagle and the Condor, Joseph Tafur, Belinda Eriacho, M.P.H,
Kewal Wright, Benjamin Sullian, Joseph Bellus

Name(s) of counsel (if any):

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Law Office of Jack Silver

Address: 708 Gravenstein Hwy No. # 407, Sebastopol, CA 95473

Telephone number(s): (707) 528-8175

Email(s): JsilverEnvironmental@gmail.com; lhm28843@sbcglobal.net

Is counsel registered for Electronic Filing in the 9th Circuit? ☒ Yes ☐ No

Appellee(s) (List only the names of parties and counsel who will oppose you on appeal. List separately represented parties separately.)

Name(s) of party/parties:

Merrick Garland, Attorney General of the United States
Alejandro Mayorkas Secretary, U.S. Department of Homeland Security

Name(s) of counsel (if any):

Giselle Barcia, Trial Attorney, Civil Division, Federal Programs Branch, U.S.
Department of Justice,

Address: 1100 L Street NW, Washington, D.C. 20005

Telephone number(s): (202) 305-1865

Email(s): giselle.barcia@usdoj.gov

To list additional parties and/or counsel, use next page.

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

Continued list of parties and counsel: *(attach additional pages as necessary)*

Appellants

Name(s) of party/parties:

The Church of the Eagle and the Condor, Joseph Tafur, Belinda Eriacho, M.P.H,
Kewal Wright, Benjamin Sullian, Joseph Bellus

Name(s) of counsel (if any):

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Is counsel registered for Electronic Filing in the 9th Circuit? ☒ Yes ☐ No

Appellees

Name(s) of party/parties:

Ann Milgram, Administrator, U.S. Drug Enforcement Administration, Troy
Miller, Acting Commissioner, U.S. Customs and Border Protection

Name(s) of counsel (if any):

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Name(s) of counsel (if any):

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Continued list of parties and counsel: *(attach additional pages as necessary)*

Appellants

Name(s) of party/parties:

The Church of the Eagle and the Condor, Joseph Tafur, Belinda Eriacho,
M.P.H., Kewal Wright, Benjamin Sullivan and Joseph Bellus

Name(s) of counsel (if any):

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Is counsel registered for Electronic Filing in the 9th Circuit? ☒ Yes ☐ No

Appellees

Name(s) of party/parties:

Name(s) of counsel (if any):

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Name(s) of party/parties:

Name(s) of counsel (if any):

Address:

Telephone number(s):

Email(s):

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov